

REMARKS

Claims 1-28 are pending in the application, and claims 2-8, 11-13, 17-24 and 28 are withdrawn from consideration as being drawn to a non-elected invention and species. Claims 1, 9, 10, 14-16, 25-26 and 27 have been rejected under 35 U.S.C. 102(b) as being anticipated by O.F. Kleeb et al, U.S. Patent No. 1,730,938 (hereinafter referred to as "Kleeb"). Applicant has amended claims 1, 14, and 16 to more clearly define Applicant's invention. Applicant has also canceled claims 9 and 10 and added new claims 29, 30 and 31, which are believed to be allowable for the reasons stated below for the pending claims. No new matter has been added.

Responsive to the rejection of claim 1 as being anticipated by Kleeb, Applicant submits that Kleeb does not teach every element of Applicant's amended claim 1. Amended claim 1 recites a platform; a support plate movably disposed on the platform; a saw blade assembly disposed upon the support plate, the saw blade assembly including a saw blade coupled with a motor and associated with an oscillating mechanism; and a balancing apparatus operatively associated with the support plate and arranged to move in a direction opposite to the direct the support plate moves, the support plate mounted atop the balancing apparatus.

Examiner argues that Kleeb teaches platform 3, support plate 19, a saw assembly, saw blade 22, motor 4, an oscillating mechanism, pivot support 20 and counterweight 61. As shown in Figures 1 and 2 of Kleeb, counterweight 61 is mounted rearward of support plate 19. Indeed, as taught on page 3, lines 1-3 of Kleeb, "[t]he [support plate] 19 is provided with a rearwardly extending arm 60 on which is adjustably mounted a counterweight 61" As such, support plate 19 is positioned in front of counterweight 61. On the contrary, support plate 24 of the present invention is not positioned in front of counterweight 146. As recited in amended claim 1 and new claim 29, as well as being shown in Figures 1, 2, 11, 12 and 13, and described in paragraph 37, lines 1-3, of Applicant's application for the present invention, support plate 24 is mounted atop balancing apparatus 26, which is provided with counterweight 146. Therefore,

because Kleeb does not teach every element of Applicant's amended claim 1, Applicant submits that claim 1 is not anticipated by Kleeb.

Responsive to the rejection of claim 9 as being anticipated by Kleeb, Applicant submits that it has canceled claim 9, but that new claim 30 includes the elements of claim 9, i.e., at least one pivot support disposed at one end of the platform. Kleeb does not teach a pivot support disposed at either end of platform 3. Platform 3, as taught by Kleeb, only supports two structures, neither of which is a pivot support. As shown in Figures 1 and 2 of Kleeb, and taught on page 1, lines 79 and 80, platform 3 "supports the drive motor 4 and a gear casing 5." Therefore, since new claim 30 indirectly depends from claim 1 and all of the elements of amended claim 1 are read into claim 30, and also because the elements of claim 30 are not taught by Kleeb, Applicant submits that new claim 30 is not anticipated by Kleeb.

Responsive to the rejection of claim 10 as being anticipated by Kleeb, Applicant submits that it has canceled claim 10, but that new claim 31 includes the elements of claim 10, i.e., that the support plate and the counterweight pivot about the pivot support. As explained above, Kleeb does not teach a pivot support disposed on platform 3, and, consequently, Kleeb can not teach that support plate 19 and counterweight 61 pivot about a non-existent pivot support. Further, as taught by Kleeb, support plate 19 seems to pivot on shaft 20 and counterweight 61 does not appear to pivot at all. Thus, since new claim 31 indirectly depends from claim 1 and all of the elements of amended claim 1 are read into claim 31, and also because the elements of claim 31 are not taught by Kleeb, Applicant submits that new claim 31 is not anticipated by Kleeb.

Responsive to the rejection of claim 14 as being anticipated by Kleeb, Applicant submits that Kleeb does not teach every element of Applicant's amended claim 14. Amended claim 14 recites a platform having a movable support plate; oscillating saw means for cutting metal

objects, the oscillating saw means disposed on the platform; and balancing means for dampening vibration of the oscillation saw means, the support plate positioned atop the balancing means. As Applicant has described above, KleeB teaches that support plate 19 is positioned in front of counterweight 61 and not atop counterweight 61. Accordingly, because KleeB does not teach every element of Applicant's amended claim 14, Applicant' submits that amended claim 14 is not anticipated by KleeB.


Responsive to the rejection of claim 16 as being anticipated by KleeB, Applicant submits that claim 16 includes elements not taught by KleeB, namely, a pivot support wherein the support plate is supported above the platform by the pivot support. As explained above, KleeB does not teach a pivot support disposed on platform 3, and, consequently, KleeB can not teach that support plate 19 is supported above platform 3 by a non-existent pivot support. Further regarding claim 16, and also responsive to the rejections of claims 15 and 25-27, because each of these claims indirectly depend from amended claim 14, and all of the elements of amended claim 14 are not taught by KleeB, Applicant submits that claims 15, 16 and 25-27 are not anticipated by KleeB.

For the above reasons, Applicant submits that claims 1, 14-16, 25-27, 30 and 31 are not anticipated by KleeB and that the application is in condition for allowance and respectfully requests allowance thereof.

Should any questions concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (317) 569-4621.

In the event Applicant has overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicant hereby conditionally petitions therefor and authorizes that any charges be made to Deposit Account No. 02-0390, BAKER & DANIELS.

Respectfully submitted,


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box RCE, Washington, DC 20231, on: April 22, 2003.

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SIGNATURE

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